

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDWIN SHEAD,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07CV22 CEJ
)	
JAMES PURKETT, et al.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Plaintiff, a prisoner proceeding in forma pauperis, has filed an amended complaint. Under 28 U.S.C. § 1915, the Court is required to review the complaint as soon as is practicable and dismiss any portion of the complaint that is frivolous, malicious, or fails to state a claim upon which relief can be granted. The Court finds that the complaint survives review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time.

The Court reviewed plaintiff's original complaint on January 25, 2007. The Court's initial review found that plaintiff's claims against James Purkett were frivolous and Purkett was dismissed as party defendant. The Court now finds that plaintiff's claims against Purkett survive review under 28 U.S.C. § 1915(e)(2)(B). As a result, the Court will order the Clerk to serve process or cause process to be issued on the complaint as to Purkett. 28 U.S.C. § 1915(d).

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall serve process or cause process to be issued on the complaint as to defendant James Purkett.

Dated this 22nd day of March, 2007.

A handwritten signature in black ink, reading "Carol E. Jackson", is written over a horizontal line.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE